

# Grandparents Raising Grandchildren: What To Do The Second Time Around.

by Sandra J. Bailey, Ph.D., CFLE, Family and Human Development Specialist, Montana State University Extension

**In Montana there are more than 6,000 grandparents raising grandchildren. Most grandparents become involved due to a family crisis. This guide answers many of the common questions grandparents and other relative caregivers have when they are faced with parenting a second time around.**

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## IT IS 2:30 A.M. AND FRANCIS, A 62-YEAR OLD

widow, receives a phone call from the police. Her daughter has been arrested for selling methamphetamine and her 10-year-old granddaughter, Marie, is in need of care. Francis hasn't seen her daughter or granddaughter in three years. She didn't know where they had been living. The police officer tells Francis that if she is unable to take her granddaughter, the state **Child and Family Services** worker will place Marie in foster care. Without hesitation, Francis tells the officer to bring Marie to her home.

Marie arrives in her pajamas. She has a paper bag filled with one change of clothes and a few assorted items. The officer explains that Marie and her mother had been living in their car, and sometimes stayed with friends. Francis is happy to see her granddaughter again but sad that it is under these circumstances. She makes a bed for Marie on the couch, in her one-bedroom house. Tomorrow she will figure out what to do.

This scene is not uncommon for grandparents who are called upon to care for their grandchildren. In Montana, there are more than 6,000 grandparents raising grandchildren. Grandparents who are caring for grandchildren range in age from about 39 to late 80s. Grandparents are rearing their grandchildren for a variety of reasons; the most common reason is a family crisis, such as parental substance abuse, death, mental health problems, financial problems, or deployment. In Montana, many grandparents are providing care due to parental substance abuse of methamphetamine.

Many grandparents faced with parenting their grandchildren do not know where to turn for help. This guide will provide information on resources available

in the State of Montana for grandparents raising grandchildren. This guide does not offer legal advice. Grandparents who need legal help should contact an attorney.

## How long will it be?

Many grandparents view their parenting situation as temporary. Most are hoping their adult children will be able to parent again. Unfortunately, many grandparents find that the situation is not temporary. On average, grandparents in Montana rear their grandchildren for seven years.

Some parents who have substance abuse or mental health problems repeatedly leave their child with grandparents. Then they return weeks or months later to take the child back. In many of these cases, the parents have not dealt with their problems, and aren't ready to parent again. Grandparents often worry because they do not have legal rights to keep the child when the parents return. **Montana Senate Bill 31**, which passed in the 2007 Montana Legislature and became effective on October 1, 2007, provides some protection for grandfamilies: if grandchildren are left with grandparents for longer than six months, and it is unclear if or when the parent will return and retake custody of the child, the grandchildren do not have to be returned immediately to the parent when the parent returns. If the grandparent files an **affidavit** with the court containing all of the items required by law, the child may remain with the grandparent for five days while the court reviews the situation and issues an order regarding the custody of the child.

Grandparents often ask how they can get custody or guardianship of their grandchildren when the parents are unable or unwilling to parent. **Custody** is granted by the court and gives the grandparent responsibility for the grandchild's care. Legal custody, physical custody, or both may be granted by the court. A court grants **guardianship**, which establishes a legal relationship between the guardian and the child, and grants the guardian some of the rights and responsibilities of a parent. Grandparents should contact a private attorney to pursue custody or guardianship of a child who is not part of a Child and Family Services case. If a child is part of an open Child and Family Services case, the grandparent should contact the assigned Child Protection Specialist to express their interest in pursuing custody or guardianship.

A grandparent may **adopt** a grandchild with the consent of the child's parents or if there are legal grounds to terminate both parents' rights. If the **Montana Department of Public Health and Human Services** (DPHHS) has been granted permanent legal custody of a person's grandchild, the grandparent must be approved as a prospective adoptive parent and DPHHS must consent to the adoption in order for the grandparent to adopt. DPHHS will prepare the legal papers and will reimburse the adoptive parent for certain fees associated with the adoption. The child may be eligible to receive an **adoption subsidy** from the State if the child meets the special needs criteria established by DPHHS.

Some adoptions are handled as private matters. If the child is not in the custody of DPHHS, the grandparents are encouraged to contact a private attorney. Grandparents may want to contact more than one attorney in their area to see if they can find an attorney who will complete the adoption at a reduced cost. Children adopted through a private adoption are generally not eligible for an adoption subsidy.

## School

Francis discovered that Marie had not been in school for three months. Legislation that became effective July 1, 2007 makes it easier for relative caregivers to enroll children in school. Francis was able to contact her daughter in jail and have her sign a **power of attorney** form, which gave Francis the legal ability to act on Marie's behalf. If Francis had not been able to do this, she would have had to pay out-of-district tuition costs. **Montana Senate Bill 49**, passed in the 2007 Montana Legislature, allows grandparents to enroll

their grandchildren in school when the adult children cannot be located, if the legal requirements, including completion of an educational authorization affidavit, are met.

Marie had difficulty reading. Francis wasn't sure if it was because of poor school attendance or if she had some learning problems. School is so different today than when Francis was raising her daughter. Francis talked to Marie's teacher who told her that the school had special services to help Marie with her reading skills, and if this didn't help Marie, then Francis might consider having Marie tested for learning disabilities. The testing would not cost Francis any money, as it is a service through the school district. The school told Francis that the **Montana Office of Public Instruction (OPI)** has a webpage just for parents.

## Medical Needs

Having the power of attorney gave Francis the authority to attend to Marie's medical needs.

**Montana Senate Bill 48**, passed in the 2007 Montana Legislature and effective October 1, 2007, allows grandparents medical authority for their grandchildren when the adult children can not be located, if the legal requirements, including completion of a relative medical authorization affidavit, are met. Although Francis could seek medical care for Marie, she did not have insurance to cover Marie. Francis's small pension and Social Security from her husband did not provide enough money for Marie's doctor visits. Francis went to her local **Office of Public Assistance** and found out that Marie could qualify for **Medicaid**. Another program that is available is the **Children's Health Insurance Program (CHIPs)**.



## Financial Assistance

Francis talked to a **Child Protection Specialist** at the DPHHS Child and Family Services office about financial help for Marie's care. If Child and Family Services had placement authority in Marie's case, Francis could be approved as an unlicensed kinship home provider, and she could apply for **Temporary Assistance for Needy Families (TANF)** through the Office of Public Assistance. Most grandparents who are rearing grandchildren can apply for and receive **TANF** child-only grants, which provide small monthly grants for the child's care. Even if Child and Family Services did not have placement authority, Francis could apply for TANF on behalf of Marie. Since TANF is a form of public assistance, once TANF grants are applied for, a referral to the **Child Support Enforcement Division** will be made. The Child Support Enforcement Division will then seek child support from the child's parents.

If Child and Family Services had placement authority in Marie's case, Francis could choose to apply to become a licensed kinship foster home provider. Francis would need to attend foster parenting classes and meet foster home licensing requirements in order to be licensed. If Francis became a licensed kinship foster home provider she would receive foster care payments for Marie's care. Once Child and Family Services has been granted placement authority, placement decisions are made by child protection staff. It is possible that a determination might be made that placement with Francis is not in Marie's best interests, and she could be moved to another foster home.

If Marie is unable to be reunited with her mother, Child and Family Services may determine that either adoption or guardianship is an appropriate permanent plan for her, and in either case, Marie may qualify for a subsidy. This would mean that her grandmother could continue to get financial assistance even after she had adopted Marie or become her guardian. Marie's case worker could assist Francis in obtaining information that would help her to understand the differences between adoption and guardianship.

Many grandparents begin caring for their grandchildren before allegations of abuse or neglect have been made against the children's parents. Some of these grandparents prefer not to have Child and Family Services become involved in what they consider a private matter, or they do not want Child and Family Services to have decision-making authority over the children or the children's placement. Other

grandparents believe that intervention by Child and Family Services will be beneficial; if Child and Family Services makes a Child Protective Services referral recognizing that abuse or neglect may be substantiated then Child and Family Services will have custody of the children.

## Other Financial Resources

Francis and her husband had always worked for what they had. They were not wealthy, but they owned a home and had an older model car that was paid for. When her husband died, Francis was left with enough income to get by. But now with Marie, she had additional costs such as higher utility, grocery, and clothing bills. Francis again talked to a worker at the Office of Public Assistance and found that she qualified for **Food Stamps**. She discovered that through the **MSU Extension Food Stamp Nutrition Education** program she could learn how to stretch her food budget. She also found help from the local Food Bank. The Office of Public Assistance worker told her that through the **Low-Income Energy Program** she could qualify for energy assistance to help with her higher utility bills.

Marie's mother and father never married, but her father is listed on her birth certificate. Marie's father died in a car accident when Marie was very young. Francis went to the **Social Security** office to see what benefits might be available for Marie.

## Respite Care

Six months after Marie moved in with Francis, Francis found herself feeling exhausted, even though she enjoyed her granddaughter very much and loved having her around. She had returned to work to help make ends meet, taking a part-time job at a local mini mart while Marie was at school. Marie's activities kept Francis busy. Francis did not have the money to hire a babysitter. Through the **Montana Area Office on Aging**, Francis found that she qualified for respite care for Marie.\* This allowed Francis a little more time for herself, to get her hair done or have lunch with a friend. The school counselor told Francis about the **Big Brothers/Big Sisters program**.\*\* The program matches a child with an adult who provides mentoring and fun for the child for four hours each week. The counselor thought this might be good for both Francis and Marie.

## Child Care

Francis learned through the **Montana Child Care Resource and Referral** office in her county that there was an after school program Marie could attend, and the **Child Care for Working Caretaker Relatives Program** would help her pay for the program when she was working.

## Social Support and Parenting Education

Francis felt very alone in her parenting a second time around. Was she the only grandmother in this situation? She had many thoughts and feelings about raising her granddaughter. Francis felt guilty that her daughter had so many problems, yet she knew that she and her husband had tried to be good parents. Francis wondered what she would do when her daughter was released from jail. Should she allow Marie to go back and live with her mom right away? Marie was a good granddaughter but she had so many behavior problems because of the neglect by her mother. At times Marie would swear at Francis and be disrespectful. Francis wondered if she was handling problems in the right way. Francis called her County Extension Office and learned about the **Montana Grandparents Raising Grandchildren Project**.

The Montana Grandparents Raising Grandchildren Project is sponsored by Montana State University Extension. Throughout the State there are support/education groups for grandparents rearing grandchildren. The project publishes a newsletter and fact sheets on topics for grandfamilies. Educational programs and conferences are also offered.

**AARP** offers information for grandparents on their website. A national newsletter in English and Spanish is available for grandparents rearing grandchildren. AARP Montana is very involved in grandparent issues.

## Conclusion

After three years raising Marie, Francis realizes that Marie will be living with her until she graduates from school. Just like many other grandparents in Francis's situation, Francis feels she had no choice but to bring Marie into her home. At the same time, she wouldn't trade the situation now for the world. Marie is a happy teenager and brings delight to Francis everyday. They converted an enclosed back porch in the house into a small bedroom for Marie, so that she can have space to herself. Francis's daughter will occasionally come by or call Marie. She still uses drugs. Francis loves her daughter very much but has come to accept that she

has no control over her daughter's problems. She knows that the most important job she has now is to raise Marie. Francis still attends the grandparent support group in her community. She finds that she continues to learn from the other grandparents and is able to help those who are just starting their journey of parenting a second time around.

Each situation of grandparents raising grandchildren is unique. Laws regarding custody and guardianship often apply differently, depending on the circumstances. Resources that are available through various programs are not available in every situation. Some resources are given based on income or family assets. To find out what is available for you and your grandchild, contact the agency related to your questions. A resource guide for grandparents is available through the Montana Grandparents Raising Grandchildren Project.

For more information on grandparents raising grandchildren contact the Montana Grandparents Raising Grandchildren Project at 406-994-3395 or email to [grg@montana.edu](mailto:grg@montana.edu). A complete Montana resource guide is available through the project.



\* Respite care is not available in all locations. Check with your Senior Center or Area Agency on Aging to see if this resource is available in your community.

\*\*Big Brothers/Big Sisters may not be available in all communities.

Note: For American Indian grandparents and grandchildren, in addition to the information provided in this guide, contact your Tribal offices for programs that may be available on the reservation or for enrolled members.



## Glossary of Terms:

**Adoption subsidy** – financial and/or medical assistance provided after an adoption is finalized for a child who has special needs. Subsidy is generally available only for children who have been in the Montana foster care system, unless the child is Social Security Insurance eligible.

**Affidavit** – a sworn statement that is signed by a person stating that the information given is true and correct.

**Adoption** – a legal process whereby a person or persons become a new set of parents for a minor child. The former parent's rights must be terminated before a minor child can be adopted.

**Child Care for Working Caretaker Relatives Program** – A program that provides monetary subsidies to employed relative caretakers who have children in child care.

**Child Protection Specialist** – a professional who works for Child and Family Services.

**Children's Health Insurance Program** – a health care insurance plan for limited-resource families.

**Custody** – the responsibility for someone's care. This would include legal and physical custody. Custody is assigned by the court.

**Food Stamps** – A subsidy to assist low-income families in purchasing food.

**Foster care** – is the formal system where a child becomes a ward of the state due to documented child abuse or neglect.

**Guardianship** – the legal right for a person to make decisions about another person including such decisions as physical, medical, and educational needs of the individual. Guardianship is assigned by the court.

**Legal custody** – a court order given to an individual or individuals to make decisions regarding a minor child's interests.

**Medicaid** – a health care insurance plan for low-income individuals and families.

**Montana Senate Bill 31** – Caretaker relative continuing custody affidavit [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

**Montana Senate Bill 48** – Caretaker relative consent to medical care [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

**Montana Senate Bill 49** – School enrollment by relative caretaker [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

**Power of attorney** – a document that gives the grandparent legal authority to act on the grandchild's behalf. More information on how to obtain a power of attorney can be found in the MSU Extension Montguide Power of Attorney, <http://www.montana.edu/wwwpb/pubs/mt9001.html>

## Resources mentioned in this guide:

**AARP** [www.aarp.org](http://www.aarp.org) is an organization open to anyone 50 years of age and older. The organization focuses on issues important to older adults. Members receive discounts on motels, insurance, and other items.

**Big Brothers Big Sisters** [www.bbbs.org](http://www.bbbs.org) is the oldest national youth mentoring program. Youth are matched with adult mentors.

**Montana Office of Public Instruction** [www.opi.mt.gov](http://www.opi.mt.gov) 406-444-3095 or 888-231-9393 is the State office for Montana public schools.

**Montana Department of Public Health & Human Services** [www.dphhs.mt.gov](http://www.dphhs.mt.gov)

- Child Support Enforcement Division (406)444-9855 or (800)346-5437
- Child and Family Services (406)444-5900
- Children's Health Insurance Plan (406)444-6971 or (877)543-7669
- Food Stamp Hotline (800)332-2272
- Low-Income Energy Assistance Program (800)332-2272
- Food Stamp Hotline (800)332-2272
- Medicaid (406)44-6676
- Montana Area Office on Aging (406)444-4077 or (800) 551-3191
- Office of Public Assistance (406)444-1917

- Senior & Long Term Care (406)444-4077 or (800)332-2272
- Temporary Assistance for Needy Families (406)444-6676

**Montana Child Care Resource & Referral Network**  
[www.montanachildcare.com](http://www.montanachildcare.com) 406-549-1028 assists families in locating child care.

**Montana Grandparents Raising Grandchildren Project**  
<http://www.montana.edu/wwwhd/grg/grg/index.htm>  
 406-994-3395 provides information, education, and research for grandparents rearing grandchildren.

**MSU Food Stamp Nutrition Education Program**  
[www.montana.edu/nep/index/htm](http://www.montana.edu/nep/index/htm) provides nutrition education to families with children, and seniors who are applying for or receiving food stamps.

**Social Security Office** - <http://www.socialsecurity.gov/> is the home page for the U.S. Social Security Administration.

### Suggested Reading:

Callander, J. (1999). *Second time around: Help for grandparents who raise their children's kids*. Wilsonville, OR: BookPartners, Inc.

Houtman, S. (2003). *To grandma's house we...stay*. Northridge, CA: Studio 4 Productions.

Takas, M. (2005). *Relatives raising children: A guide to finding help and hope*. New York: Brookdale Foundation.

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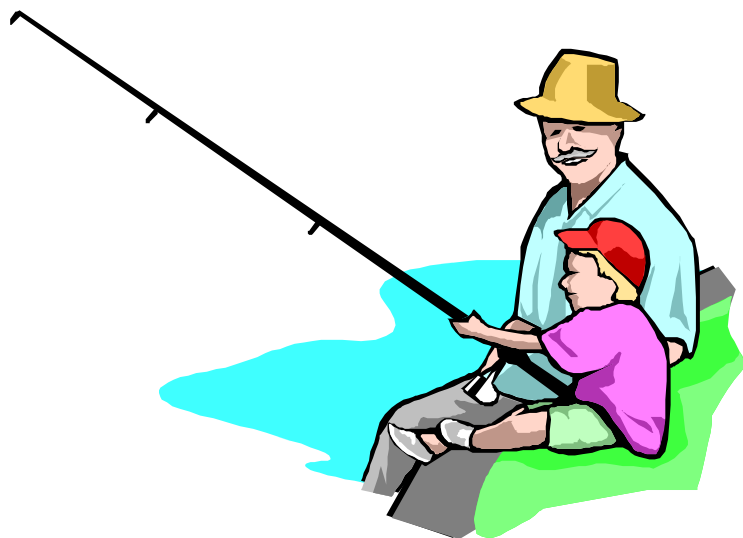
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 DPHHS Child and Family Services Bureau



## MY NOTES

Local phone number for the Office of Public Assistance: \_\_\_\_\_

Dates of contact

Name of person contacted

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Local phone number for Child and Family Services: \_\_\_\_\_

Dates of contact

Name of person contacted

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My child's school phone number: \_\_\_\_\_

My child's doctor and phone number: \_\_\_\_\_

My child's dentist and phone number: \_\_\_\_\_

My child's therapist and phone number: \_\_\_\_\_

Other phone numbers: \_\_\_\_\_

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